

Remarks*Rejections for Indefiniteness*

Applicants have amended the base claims of claim 1 to recite a pharmaceutical composition and to remove the restricted subject matter. Claim 29 has been amended to overcome the Examiner's rejection. Claims 5-8, drawn to restricted subject matter, are also cancelled.

Anticipation Rejection Over US-3853878 (Jonas)

In Jonas, the pharmaceutical compounds disclosed (see column 1, lines 10 to 25; column 2, lines 16 to 27; and Examples 1 to 4) all contained a carboxamidine group, and are, therefore, different than the presently claimed compounds. The compounds cited by the Examiner are only intermediates and therefore were not compounds present in a pharmaceutical composition. The present claims are directed to pharmaceutical compositions. As the intermediate compounds disclosed in Jonas are not pharmaceutical compositions, they cannot anticipate the present claims, because they do not teach all the claim elements, *i.e.* a compound of formula (I) in combination with a pharmaceutically acceptable carrier or excipient. Moreover, because there is no teaching by Jonas that the intermediates have a pharmaceutical application, Jonas provides no motivation for the present invention and cannot render it obvious.

Obviousness Rejection Over Med. Chem. Res. 3:240-248, 1993 (Mokrosz)

Applicants presented comparative data in the previous response, demonstrating the unexpected advantage of the presently claimed compounds. In response to these data, the Examiner noted that a showing of superior or unexpected properties of methyl versus hydrogen on the phenyl ring would be evidence of patentable distinctness. In response, applicants enclose further data, attached hereto as Exhibit 2, which show the superior efficacy of the alkyl-substituted compounds of the present invention. As applicants noted in the previous response, the unsubstituted compound had an $EC_{50}(5HT_{2C})$ of 1085 nM. Thus, the combined data before the Examiner demonstrate the unexpectedly superior efficacy of both the halo substituted and alkyl-substituted compounds, which could have not been reasonably predicted over the prior art.

Accordingly, applicants request withdrawal of the outstanding rejection for obviousness.

Respectfully submitted,

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.